UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-7679

BERNIE J.E. DINGLE,

Petitioner - Appellant,

versus

STATE OF SOUTH CAROLINA; CHARLIE CONDON, Attorney General,

Respondents - Appellees.

No. 05-6337

BERNIE J.E. DINGLE,

Petitioner - Appellant,

versus

STATE OF SOUTH CAROLINA; CHARLIE CONDON, Attorney General,

Respondents - Appellees.

Appeals from the United States District Court for the District of South Carolina, at Columbia. Henry F. Floyd, District Judge. (CA-02-3422-3-26BC)

Submitted: July 14, 2005 Decided: August 2, 2005

Before WILKINSON, LUTTIG, and MOTZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Bernie J.E. Dingle, Appellant Pro Se. Donald John Zelenka, Chief Deputy Attorney General, Columbia, South Carolina, for Appellees.

PER CURIAM:

Bernie J.E. Dingle seeks to appeal the district court's orders denying relief on his petition filed under 28 U.S.C. § 2254 (2000) (Appeal No. 04-7679), and his Fed. R. Civ. P. 59(e) motion (Appeal No. 05-6337). An appeal may not be taken to this court from the final order in a habeas corpus proceeding in which the detention complained of arises out of process issued by a state court unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). A certificate of appealability will not issue for claims addressed by a district court on the merits absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000). As to claims dismissed by a district court solely on procedural grounds, a certificate of appealability will not issue unless the petitioner can demonstrate both "(1) 'that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and (2) 'that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.'" Rose v. Lee, 252 F.3d 676, 684 (4th Cir. 2001) (quoting Slack v. McDaniel, 529 U.S. 473, 484 (2000)).

We have independently reviewed the record and conclude that Dingle has not satisfied either standard. See Miller-El v. Cockrell, 537 U.S. 322, 336 (2003). Accordingly, we deny certificates of appealability, deny Dingle's motion to compel, and dismiss the appeals. See 28 U.S.C. § 2253(c) (2000). We dispense

with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED